

Remarks

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1, 4, 6-8, 11, 13-15, and 25-27 are pending in the application. Independent Claims 1, 7, 8, and 14 are amended, and new dependent Claims 25-27 are added by way of the present response.

In the Office Action Claims 1, 4, 6-8, 11, and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Prior Art Figures 17-21 in view of U.S. Patent No. 2,249,125 to Gabriel, Japanese Publication No. 11-293890 to Katsuyuki, and German Publication No. 33 04 806 to Helfrecht. It is asserted that the amendments to the claims overcome the rejections for the following reasons.

The present invention is directed to a fastening member disposed on an upper rabbeted horizontal edge and a lower rabbeted horizontal edge of a siding board for mounting the siding board to a framework of a building with a underlayment being interposed between. Each of independent Claims 1, 7, 8, and 14 recites, among other features, that the fastening member includes a screw hole and a nail hole. The screw hole extends along a first axis in a first direction about perpendicular to a surface of the underlayment on which the fastening member is disposed, and the nail hole extends along a second axis in a second direction different from the first direction which is at an oblique angle to the surface of the underlayment on which the fastening member is disposed. The screw hole is formed on one side of the support portion and the nail hole is formed on the opposite side of the support portion from the screw hole. The nail hole and the screw hole are provided at positions at which a distance from the nail hole to the support portion and a distance from the screw hole to the support portion are substantially equal.

The claimed features recited in independent Claims 1, 7, 8, and 14 can provide numerous advantages. By way of specific non-limiting examples, it is asserted that the claimed fastening member permits the siding boards to be mounted to the building framework with either screw or nails. In particular, depending on a material of the building framework, it may be more preferable to attach the fastening member with either screws or nails. The claimed structural features of the fastening member, including the disposition of the screw and nail holes on opposite sides of the support portion, permit the fastening member to be oriented either rightside-up or upside-down, for attachment of the fastening member to the building framework with either screws or nails. Further features of the fastening member, including the provision of the screw and nail holes at substantially equal distances from the support portion, can ensure that regardless of whether the fastening member is disposed rightside-up or upside-down for attachment with either screws or nails, a same installation procedure of the siding boards can be performed. Further, by providing the nails and screw holes at substantially equal distances from the support portion, the fastening member can provide similar structural characteristics regardless of whether the fastening member is disposed rightside-up or upside-down for attachment to the building framework with either screws or nails.

It is asserted that none of Applicants' Prior Art Figures 17-21, Gabriel, Katsuyuki, and Helfrecht disclose or render obvious these features recited in independent Claims 1, 7, 8, and 14.

Specifically, Prior Art Figures 17-21 at most disclose screw and nail holes on a same side of a support portion of a fastening member. The Prior Art Figures do not show, however, the claimed features of the screw and nail holes at substantially equal distances from, and on opposite sides of, the support portion. Therefore, the Prior Art Figures cannot provide the advantages of performing the same installation procedure of the siding boards

regardless of whether the fastening member is attached with either screws or nails, and cannot provide the advantages of similar structural characteristics regardless of whether the fastening member is attached with either screws or nails, as can be provided by the prior art.

Katsuyuki at most discloses a fastening member including two screw holes on opposite sides of a support member having contours such that the fastening member is reoriented only based on relative thicknesses of panels held by the fastening member.

Katsuyuki does not show, however, the claimed features of screw and nail holes at substantially equal distances from, and on opposite sides of, the support portion. Therefore, Katsuyuki also cannot provide advantages provided by the claimed invention.

Finally, neither Gabriel nor Helfrecht discloses the claimed features of the screw and nail holes at substantially equal distances from, and on opposite sides of, the support portion.

For these reasons, it is requested that the rejections of independent Claims 1, 7, 8, and 14 under 35 U.S.C. § 103(a) be withdrawn, and the allowance of independent Claims 1, 7, 8, and 14 is requested.

Claims 4, 6, 11, 13, 15, and 25-28 are allowable for the same reasons as the independent claims from which they depend, as well as for their own features. Thus, it is requested that the rejection of dependent Claims 4, 6, 11, 13, and 15 under 35 U.S.C. § 103(a) be withdrawn, and the allowance of dependent Claims 4, 6, 11, 13, 15, and 25-28 is requested.

Notwithstanding the above discussion, it is submitted that the claims recite further features that are not disclosed or rendered obvious by the applied references. By way of specific non-limiting examples, it is asserted that none of the references of record show the features recited in dependent Claim 25 of the support portion configured to be disposed between siding boards, in dependent Claim 26 of the support portion configured to be disposed between siding board portions of an about same thickness, and in dependent Claim

Application No. 09/930,212
Reply to Office Action of January 26, 2005

27 of the central plate portion disposed in a plane offset from a plane in which the upper and lower rising portions extend.

The foregoing provides alternative grounds for the indication of allowable subject matter in dependent Claims 25-27.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 4, 6-8, 11, 13-15, and 25-27 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

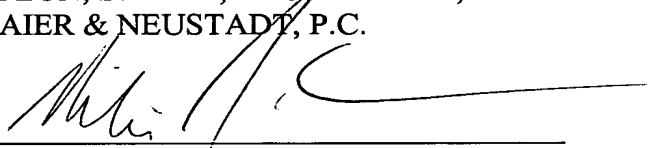
Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Philip J. Hoffmann
Registration No. 46,340

GJM/PH/me
I:\ATTY\PH\21s\212905\AM 04.18.05.DOC